

MULTIPLE SPECIES CONSERVATION PROGRAM CONFORMANCE STATEMENT
Tavern Road Grading Plan, PDS2015-LDGRMJ-30023
APN: 403-380-75-00

July 13, 2017

I. Introduction

The proposed project is a Grading Permit application for the construction of a decomposed granite overflow parking area and storm drain system on a commercial property partially developed with an existing building and adjacent parking/storage areas with the majority of the parcel vacant land consisting predominately of granitic chamise and southern mixed chaparral habitat. No special status floral species or special status faunal species were identified on the project site during the recent biological surveys. The granitic chamise chaparral habitat that continues off-site to the northwest is part of a much larger block of chaparral habitat with high conservation value. The remainder of the habitat onsite is moderately constrained and/or previously disturbed and has a low conservation value.

Project impacts that took place in 2014 resulted in direct impacts to granitic southern Mixed chaparral (currently mapped as disturbed Diegan coastal sage scrub-revegetated), disturbed habitat, and urban/developed lands. Completion of the remaining elements of the proposed project would result in direct impacts to granitic southern mixed chaparral. Impacts to the disturbed Diegan coastal sage scrub—revegetated habitat (previously identified as granitic southern mixed chaparral prior to the 2014 impacts) and granitic southern mixed chaparral habitat would be considered significant and require habitat-based mitigation.

It is recommended that impacts to existing and already cleared onsite granitic southern mixed chaparral be mitigated through the off-site purchase of 0.11 acre of chaparral habitat credits in a mitigation bank located within the County of San Diego Multiple Species Conservation Plan Subarea Plan boundary. The exact condition for this habitat mitigation can be found in the Mitigated Negative Declaration document for the project. The proposed project is not expected to result in significant impacts to the sensitive species (i.e., orange-throated whiptail, coastal western whiptail, southern California rufous-crowned sparrow) that have a high or moderate potential to occur onsite based on the limited size and location of the project impacts within mostly disturbed habitats. In addition, based on the 2013 negative results of the quino protocol surveys conducted onsite, and the more recent quino habitat assessment conducted in 2016, quino is not expected to occur within the proposed project impact areas and thus would not be impacted by the proposed project.

The project site is not within PAMA and does not occur within a corridor/linkage as identified on figure 2-2 of the MSCP.

Table 1. Impacts to Habitat and Required Mitigation

Habitat Type	Tier Level	Existing On-site (ac.)	Proposed Impacts (ac.)	Mitigation Ratio	Required Mitigation
Granitic Southern Mixed Chaparral	III	1.05	0.04	0.5:1	0.02
Formerly Granitic Chamise Chaparral	III	0.23	0.17	0.5:1	0.09
Total:	--	1.28	0.21	--	1.1

The findings contained within this document are based on County records, site visits and the Biological Resource Letter Report dated February 16, 2017. The information contained within these Findings is correct to the best of staff's knowledge at the time the findings were completed. Any subsequent environmental review completed due to changes in the proposed project or changes in circumstance shall need to have new findings completed based on the environmental conditions at that time.

The project has been found to conform to the County's Multiple Species Conservation Program (MSCP) Subarea Plan, the Biological Mitigation Ordinance (BMO) and the Implementation Agreement between the County of San Diego, the CA Department of Fish and Wildlife and the US Fish and Wildlife Service. Third Party Beneficiary Status and the associated take authorization for incidental impacts to sensitive species (pursuant to the County's Section 10 Permit under the Endangered Species Act) shall be conveyed only after the project has been approved by the County, these MSCP Findings are adopted by the hearing body and all MSCP-related conditions placed on the project have been satisfied.

II. Biological Resource Core Area Determination

The impact area and the mitigation site shall be evaluated to determine if either or both sites qualify as a Biological Resource Core Area (BRCA) pursuant to the BMO, Section 86.506(a)(1).

A. Report the factual determination as to whether the proposed Impact Area qualifies as a BRCA. The Impact Area shall refer only to that area within which project-related disturbance is proposed, including any on and/or off-site impacts.

The Impact Area does not qualify as a BRCA since it does not meet any of the following BRCA criteria:

i. The land is shown as Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map.

The land is not in a Pre-Approved Mitigation Area.

- ii. The land is located within an area of habitat that contains biological resources that support or contribute to the long-term survival of sensitive species and is adjacent or contiguous to preserved habitat that is within the Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map.**

The project site is not adjacent to Pre-Approved Mitigation lands. Because the impact area is limited to 0.11 acres of Chaparral habitat the site does not contribute to the long term survival of sensitive species.

- iii. The land is part of a regional linkage/corridor. A regional linkage/corridor is either:**
 - a. Land that contains topography that serves to allow for the movement of all sizes of wildlife, including large animals on a regional scale; and contains adequate vegetation cover providing visual continuity so as to encourage the use of the corridor by wildlife; or**
 - b. Land that has been identified as the primary linkage/corridor between the northern and southern regional populations of the California gnatcatcher in the population viability analysis for the California gnatcatcher, MSCP Resource Document Volume II, Appendix A-7 (Attachment I of the BMO.)**

The land is not part of a regional linkage corridor as mapped on figure 2-2 of the MSCP. California gnatcatcher habitat does not occur on the site.

- iv. The land is shown on the Habitat Evaluation Map (Attachment J to the BMO) as very high or high and links significant blocks of habitat, except that land which is isolated or links small, isolated patches of habitat and land that has been affected by existing development to create adverse edge effects shall not qualify as BRCA.**

The site does not contain habitat that ranked as very high or high and does not link blocks of habitat.

- v. The land consists of or is within a block of habitat greater than 500 acres in area of diverse and undisturbed habitat that contributes to the conservation of sensitive species.**

The project site is adjacent to industrial parcels on the East that are currently developed. In addition, properties to the West and North of the site are also developed. The site is not part of a large block of habitat greater than 500 acres.

- vi. The land contains a high number of sensitive species and is adjacent or contiguous to surrounding undisturbed habitats, or contains soil derived from the following geologic formations which are known to support sensitive species:**
 - a. Gabbroic rock;**

- b. Metavolcanic rock;**
- c. Clay;**
- d. Coastal sandstone**

The site does not contain soils derived from any of these geologic formations and is not known to support any sensitive floral or faunal wildlife species.

B. Report the factual determination as to whether the Mitigation Site qualifies as a BRCA.

The off-site mitigation for this project will be within the County's MSCP subarea plan, thus qualifying as a BRCA.

III. Biological Mitigation Ordinance Findings

A. Project Design Criteria (Section 86.505(a))

The following findings in support of Project Design Criteria, including Attachments G and H (if applicable), must be completed for all projects that propose impacts to Critical Populations of Sensitive Plant Species (Attachment C), Significant Populations of Narrow Endemic Animal Species (Attachment D), Narrow Endemic Plant Species (Attachment E) or Sensitive Plants (San Diego County Rare Plant List) or proposes impacts within a Biological Resource Core Area.

The project will not impact any of the types of species or habitats listed in the above paragraph.

B. Preserve Design Criteria (Attachment G)

In order to ensure the overall goals for the conservation of critical core and linkage areas are met, the findings contained within Attachment G shall be required for all projects located within Pre-Approved Mitigation Areas or areas designated as Preserved as identified on the Subarea Plan Map.

The site is not within PAMA or preserve areas.

C. Design Criteria for Linkages and Corridors (Attachment H)

For project sites located within a regional linkage and/or that support one or more potential local corridors, the following findings shall be required to protect the biological value of these resources:

The project does not occur in any regional wildlife corridors or linkages and has a total impact area of less than 0.2 acres on native habitats.

IV. Subarea Plan Findings

Conformance with the objectives of the County Subarea Plan is demonstrated by the following findings:

1. **The project will not conflict with the no-net-loss-of-wetlands standard in satisfying State and Federal wetland goals and policies.**

Wetlands will not be impacted by this project.

2. **The project includes measures to maximize the habitat structural diversity of conserved habitat areas including conservation of unique habitats and habitat features.**

No on-site habitat conservation is proposed for this project.

3. **The project provides for conservation of spatially representative examples of extensive patches of Coastal sage scrub and other habitat types that were ranked as having high and very high biological values by the MSCP habitat evaluation model.**

Coastal sage scrub does not occur on the site. High and very high value habitat does not occur on the site.

4. **The project provides for the creation of significant blocks of habitat to reduce edge effects and maximize the ratio of surface area to the perimeter of conserved habitats.**

The impacted area is contiguous with currently developed areas and does not result in any fragmented blocks of natural habitat.

5. **The project provides for the development of the least sensitive habitat areas.**

The developed areas of the site are adjacent to already developed habitats and will not affect any habitat ranked with a high biological value.

6. **The project provides for the conservation of key regional populations of covered species, and representations of sensitive habitats and their geographic sub-associations in biologically functioning units.**

Populations of covered species were not detected on the site. Key regional populations of the covered species with a high potential to occur do not exist on the site.

7. **Conserves large interconnecting blocks of habitat that contribute to the preservation of wide-ranging species such as Mule deer, Golden eagle, and predators as appropriate. Special emphasis will be placed on conserving adequate foraging habitat near Golden eagle nest sites.**

An area of 0.11 acres is impacted by the project and that area is adjacent to already developed sections of the property. Therefore, the project does not impact large interconnecting blocks of habitat.

- 8. All projects within the San Diego County Subarea Plan shall conserve identified critical populations and narrow endemics to the levels specified in the Subarea Plan. These levels are generally no impact to the critical populations and no more than 20 percent loss of narrow endemics and specified rare and endangered plants.**

Critical populations or narrow endemics do not occur on the project site.

- 9. No project shall be approved which will jeopardize the possible or probable assembly of a preserve system within the Subarea Plan.**

An area of 0.11 acres is impacted by the project and that area is adjacent to already developed sections of the property. Therefore, the project will not jeopardize the possible or probable assembly of a preserve system within the Subarea Plan.

- 10. All projects that propose to count on-site preservation toward their mitigation responsibility must include provisions to reduce edge effects.**

On-site mitigation will not be used for this project.

- 11. Every effort has been made to avoid impacts to BRCAs, to sensitive resources, and to specific sensitive species as defined in the BMO.**

An area of 0.11 acres is impacted by the project and that area is adjacent to already developed sections of the property. The site does not occur in a corridor or linkage and sensitive species were not detected during biological surveys. Mitigation will be offsite within the MSCP boundaries, thus contributing to the long-term MSCP goal of establishing preserved lands in a contiguous area that supports ecosystem level protection of habitats.

MSCP Designation For Tavern Road PDS2015-LDGRMJ-30023, APN 403-380-75-00

